

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CHEETAH GAS CO., LTD.,	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. H-08-3237
	§	
CHESAPEAKE LOUISIANA, <i>et al.</i> ,	§	
Defendants.	§	

ORDER


This case is before the Court on Plaintiff’s Motion for Leave to Amend Complaint [Doc. # 21], to which Defendants filed a Response [Doc. # 55] in opposition, and Plaintiff filed a Reply [Doc. # 56]. Where, as here, the request for leave to amend is filed before the Court has issued a scheduling order, the Court should “freely give leave when justice so requires.” *See* FED. R. CIV. P. 15(a)(2). Rule 15(a) “evinces a bias in favor of granting leave to amend.” *Goldstein v. MCI WorldCom*, 340 F.3d 238, 254 (5th Cir. 2003). Indeed, if the district court lacks a “substantial reason” to deny leave, its discretion is not broad enough to permit denial. *Lone Star Ladies Invest. Club v. Schlotzky’s Inc.*, 238 F.3d 363, 367 (5th Cir. 2001) (denying leave to amend absent articulable reason is an abuse of discretion).

The Court concludes that there is no substantial reason to deny leave to amend in this case. Defendants’ arguments regarding whether the proposed amendment

would be futile may be raised in a pleading filed in response to the Second Amended Complaint. Accordingly, it is hereby

ORDERED that Plaintiff's Motion for Leave to Amend [Doc. # 21] is **GRANTED**. Counsel for Plaintiff is directed to file the Second Amended Complaint, currently Exhibit 1 to the Motion, as a separate docket entry.

SIGNED at Houston, Texas, this **4th** day of **February, 2009**.



Nancy F. Atlas
United States District Judge